IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

WP(C).No. 22585 of 2007(L)

PETITIONER:

D.SANTHOSHKUMAR, PEON OFFICE OF THE SUB REGISTRAR, NEMOM, THIRUVANANTHAPURAM ON ORDERS OF TRANSFER TO OFFICE OF DISTRICT REGISTRATION (GENERAL), THIRUVANANTHAPURAM.

BY ADV. SMT.MARY BENJEMIN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO GOVERNMENT TAXES DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. INSPECTOR GENERAL OF REGISTRATION, OFFICE OF THE INSPECTOR GENERAL OF REGISTRATION, VANCHIYOOR, THIRUVANANTHAPURAM.

3. DISTRICT REGISTRAR GENERAL, OFFICE OF THE DISTRICT REGISTRAR GENERAL, TRANSPORT BHAVAN, THIRUVANANTHAPURAM.

4. L.SREEJA, PEON, OFFICE OF SUB REGISTRAR, PATTOM. ON ORDERS OF TRANSFER TO OFFICE OF SUB REISTRAR, NEMOM, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDARAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. BALAKRISHNAN NAIR, J.

W.P.(C) No. 22585 of 2007-L

JUDGMENT

The petitioner is a Peon attached to the Sub Registrar's office, Nemam. By Ext.P1 order, he was transferred to Venganoor. He challenged that order before this Court and obtained stay of the same. This Court disposed of the said writ petition by Ext.P6 judgment, directing the 3rd respondent to consider and pass orders on the representation of the petitioner against the said transfer. Now, the 3rd respondent has considered the said representation and passed Ext.P7 order on 19.7.2007. By the said order, the petitioner's transfer to Venganoor has been cancelled and he has been given a posting in the office of the District Registrar (General), Thiruvananthapuram, which is an office nearest to his residence at Manacaud. Alleging that the said transfer is not in accordance with the directions issued by this Court in Ext.P6 judgment, the petitioner has preferred Ext.P9 representation before the 3rd respondent, for reviewing the said order. This writ petition is filed challenging Ext.P7.

2. According to the petitioner, the District Registrar's Office, Thiruvananthapuram is not a convenient place. The finding to that effect in Ext.P7 is untenable. Further, his children are studying in a school near Nemam. He got admission for them in the school, while he was working at Nemam. Thirdly, it is submitted that the transfer has been ordered to accommodate the 4th respondent at Nemam. So, it is vitiated by mala fides.

3. This Court can interfere with a transfer order, if the same is issued in violation of any statutory provision or is vitiated by mala fides. The averments in the writ petition are not sufficient to arrive at a finding that the order is vitiated by mala fides. Further, the petitioner has failed to show that the transfer violates any statutory provision. Moreover, the petitioner being a resident of Manacaud, his present posting place, the District Registrar General's office in Thiruvananthapuram is within a distance of a few kilometres. So, no serious prejudice is caused to the petitioner by the present transfer. Therefore, the challenge against Ext.P7 is repelled.

4. But, the petitioner prays for a direction to consider Ext.P9 representation. If Ext.P9 is received and pending, the 3rd respondent will consider and pass orders on it as expeditiously as possible, preferably within one month from the date of production of a copy of this judgment.

The Writ Petition is disposed of with the above direction.

K. BALAKRISHNAN NAIR,
JUDGE.

24th July, 2007.
nm.